IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 452 OF 2004

IN

SUMMARY SUIT NO. 1129 OF 2004

K. Srinivasan .....Plffs.
vs.
M/s. Lyka Labs Ltd and anr. .....Defnds.

S.K. Nair for the plffs i/b. M/s. Nair and Co.

Pravin Diwan for the defendants i/b. Maneskha and Sethna.

CORAM: S.U. KAMDAR, J.

DATE : 13th September, 2005.

P.C. :.

1. The present suit is filed on a written agreement dated 5.7.99. Under clause-6 the defendants have claimed the commission charges. However the debit note which is issued at Ex.D in favour of the defendant no.1 whereas the contract

of 5.7.99 is in favour of defendant no.2. Even the contract which is entered into for supply of medicines to Vietnam under the contract dated 15/11/00 is also with the defendant no.1. In absence of any written agreement for commission as against defendant no.1 the present suit is not maintainable as summary suit. Summons for Judgment dismissed. Unconditional leave to defend.

2.Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

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